

# Membership Balance Plan

## ENVIRONMENTAL PROTECTION AGENCY

### 1. FEDERAL ADVISORY COMMITTEE NAME

*State the legal name of the FAC*

National Drinking Water Advisory Council

### 2. AUTHORITY

*Identify the authority for establishing the FAC*

The National Drinking Water Advisory Council (NDWAC or Council) is in the public interest and supports the Environmental Protection Agency (EPA) in performing its duties and responsibilities. The NDWAC was created by Congress on December 16, 1974, as part of the Safe Drinking Water Act of 1974, P.L. 93-523, 42 U.S.C. § 300j-5.

### 3. MISSION/FUNCTION

*Describe the mission/function of the FAC*

The NDWAC's scope involves providing advice, information, and recommendations on matters related to activities, functions, policies, and regulations of the EPA under the Safe Drinking Water Act, including:

- a. Providing practical and independent advice on matters and policies related to drinking water quality and public health protection.
- b. Maintaining an awareness of developing issues and problems in the drinking water area and advising EPA on emerging issues.
- c. Advising on regulations and guidance as required by the Safe Drinking Water Act.
- d. Recommending policies with respect to the promulgation of drinking water standards.
- e. Recommending special studies and research.
- f. Assisting in identifying emerging environmental or health problems related to potentially hazardous constituents in drinking water.
- g. Proposing actions to encourage cooperation and communication between EPA and other governmental agencies, interest groups, the general public, and technical associations and organizations on drinking water quality.
- h. Analyzing sustainable infrastructure issues with special emphasis on the security of the nation's drinking water systems.

#### **4. POINTS OF VIEW**

*Based on understanding the purpose of the FAC,*

- (a) describe the process that will be used to ensure the committee is balanced, and identify the categories*
- (b) consider identifying an anticipated relative distribution of candidates across the categories; and*
- (c) explain how a determination was made to appoint any individuals as Special Government Employees or Representative members*

NDWAC will be composed of fifteen (15) members who will serve as Special Government Employees (SGE). Members will be appointed by EPA's Administrator after consultation with the Secretary of the Department of Health and Human Services. As required by the Safe Drinking Water Act, five (5) members will be appointed from appropriate State and local agencies concerned with public water supply and public health protection; five (5) members will be appointed from private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply, of which two (2) members will represent small, rural public water systems; and five (5) members will be appointed from the general public. 42 U.S.C. § 300j-5(a).

In addition, up to five Federal employees will be appointed as technical advisors to the Council. The technical advisors may include individuals representing the EPA's Science Advisory Board (SAB), the Centers for Disease Control and Prevention's (CDC) National Center for Environmental Health and National Center for Infectious Diseases, and such additional Federal officials as EPA deems necessary for the NDWAC to carry out its function. Technical advisors may participate in Council discussions, but not Council deliberations.

#### **5. OTHER BALANCE FACTORS**

*List any other factors EPA identifies as important in achieving a balanced FAC*

Geographic location may be considered.

#### **6. CANDIDATE IDENTIFICATION PROCESS**

*Summarize the process intended to be used to identify candidates for the FAC, key resources expected to be tapped to identify candidates and the key persons (by position, not name) who will evaluate FAC balance.*

*The summary should:*

- (a) describe the process*
- (b) identify EPA key staff involved (by position, not name)*
- (c) briefly describe how FAC vacancies, if any, will be handled by EPA*
- (d) state the membership term limit of FAC members, if applicable*

Approximately 8 months prior to expiration of committee members' terms the Designated Federal Official (DFO) meets with EPA's Office of Diversity, Advisory Committee Management and Outreach (ODACMO) to discuss the outreach plan, establish a timeline, and other issues concerning the membership package. After approval of the outreach plan the DFO conducts outreach for new members in accordance with the plan.

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After a review of the pool of nominees, a determination is made to consider whether additional outreach is needed. Each candidate is researched to determine whether the person is a federally registered lobbyist. In addition, candidates are screened for the absence of financial conflicts of interest as well as the absence of an appearance of a lack of impartiality. The DFO develops a draft grid of nominees, including at least one additional candidate for each point of view for the function the committee is to perform.

A balance review of the proposed membership is then conducted by ODACMO and the FACA Attorney. Different levels of EPA managers then review the draft package for questions or comments before the final package is prepared.

Formal letters of invitation to serve on the NDWAC will be extended by the Administrator or Deputy Administrator of EPA. This cycle will be repeated for any occurring vacancies. NDWAC members are usually appointed for a three-year term. Generally, members may be reappointed for a total of 6 years.

## **7. SUBCOMMITTEE BALANCE**

*Subcommittees subject to FACA\* should either state that the process for determining FAC member balance on subcommittees is the same as the process for the parent FAC, or describe how it is different*

*\*This is relevant to those agencies that require their subcommittees to follow all FACA requirements.*

EPA plans to use the process that is used to determine advisory committee member balance for the parent (Tier 1) Federal advisory committee for any Tier 2 subcommittee(s) that may be created.

## **8. OTHER**

*Provide any additional information that supports the balance of the FAC*

Not applicable.

**9. DATE PREPARED/UPDATED**

October 21, 2014



